

¹Plaintiff initially named three “John Doe” Defendants who were later identified as Defendants Esquivel, Jarvis, and Spaggiari.

General filed an Answer on behalf of Defendants Alcario Garcia, Jr., Oliver Vasquez, and Rafael Esquivel. On March 1, 2017, the Attorney General filed an Answer on behalf of Defendant Kevin Jarvis. Despite being personally served by the United States Marshal, Defendant Dustin Spaggiari had not filed an Answer as of the date of the Report and Recommendation; or at the time of this Order.

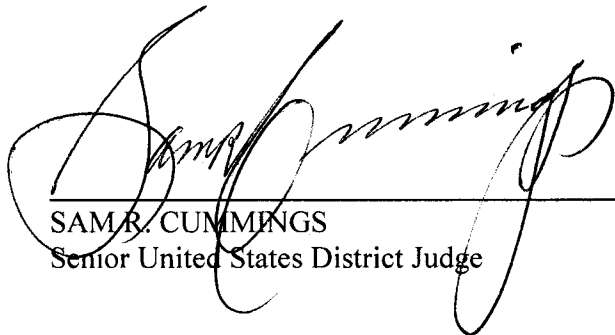
The Defendants failed to consent to the jurisdiction of the Magistrate Judge, and pursuant to this Court's Order entered on March 10, 2016, the Magistrate Judge entered a Report and Recommendation regarding the disposition of Plaintiff's complaint and transferred the case back to this Court on April 21, 2017. No objections to the Report and Recommendation have been filed, and the time to do so has expired.

In the Report and Recommendation, the Magistrate Judge recommended that this Court enter a scheduling order as well as a show cause order as to Defendant Spaggiari, requiring him to file an answer or other responsive pleading and show cause why he should not be held in contempt for failing to comply with the court's January 4, 2017 order to answer.

This Court has reviewed the Report and Recommendation of the United States Magistrate Judge for clear error and finds none. The Court finds that the Report and Recommendation of the United States Magistrate Judge should be adopted. Entry of a scheduling order will be withheld until after entry of a separate Show Cause Order, with appropriate time for Defendant Spaggiari to file his answer.

SO ORDERED.

Dated May 31, 2017.



SAM R. CUMMINGS
Senior United States District Judge